4194/05

SINGLE BENCH (3)

(1)

P.P. No. .....
Presented by Sh. FS. Jaiswal
dated 18/8/05

IN THEE HIGH COURT OF JUDICATUERE AT BILASPUR (C.G.)

W.P. NO. 4092 /2005

PETITIONER : Sankirtan Bariha, S/o- Sunder aged about 70 years R/o- Village- Kishanpur Tehsil & District Mahasamund (C.G.)

Versus

RESPONDENTS

1. Union of India,
Through the Secretary,
Ministry of Environment and Forest,
New Delhi.

2. The state of Chhattisgarh,
Through the Secretary,
Department of Revenue,
D.K.S. Bhawan Raipur (C.G.)

3. The Secretary,
Department of Forest,
D.K.S. Bhawan Raipur (C.G.)

4. The Collector,
District - Mahasamund (C.G.)

5. The Divisional Forest Officer,
District- Mahasamund (C.G.)

6. The Forest Range Officer,
Forest Range, Pithoura,
District Mahasamund (C.G.)

7. The Forest Settlement Officer,
Forest Range, Pithoura,
District Mahasamund (C.G.)

8. The Tehsildar,
Mahasamund, District - Mahasamund (C.G.)

9. The Chief Conservator of Forest,
Raipur, District- Raipur (C.G.)

18/8/05

Orders not the time matter copy to him

FS/Jaiswal for petitioner

(4)

(2)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUING DIRECTION

(64)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ...WPRA...4092...05... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	5-9-2005 Shri Alok Nigam with Shri F.S. Khare, counsel for the petitioner. Shri Bhishma Kinger, Standing Counsel for respondent No.1. Shri Sandeep Dubey, Govt. Advocate for the State/ respondents No.2 to 9. Heard. The petitioner has preferred this writ petition under Article 226/227 of the Constitution of India for directing the respondents to grant Bhoomiswami right to the petitioner as per rule over the 23 acres land. The case of the petitioner is that the petitioner along with his 3 sons have no other agricultural land, therefore, they are cultivating the forest land of 23 acres which is situated at forest compartment No.658, total area 800 acres since 1972, for about 33 years. In the year 1991, as per the provision of the Forest (Conversation) Act, 1980, the erstwhile State of M.P. granted Bhoomiswami right over the land area 154 acres out of 800 acres on the same forest compartment No.658 to the villager of village Bhithideeh. Copy of the revenue record is Annexure-P/1. The petitioner and villagers of other villages were under the impression that Bhoomiswami right would also be granted to them by the Government, but that has not been granted. Respondents authorities have not taken any action on the representation made by the petitioner in the year 1994 before the respondent No.7. The representation was made to the Chief	

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Minister, Collector, Additional Tehsildar Pithora and the S.D.O. (Forest), Pithora, but they have not considered representation. The Forest (Conservation) Act, 1980 has been repealed and the Forest (Conservation) Rules, 2003 has come into force under which the Regional Empowered Committee has been constituted by the Central Government, and the State Government is required to send proposal to the concerned authority under sub-rule (4) of Rule 6 of Forest (Conservation) Rules 2003.

Learned counsel for the petitioner submitted that, therefore, respondents No.2 be directed to consider the representation made by the petitioner and decide the same to which learned counsel for respondents have no objection.

Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, respondent No.2 is directed to consider the case of the petitioner in accordance with Rule 6 of Forest (Conservation) Amendment Rules, 2004 and decide the same at the earliest i.e. within a period of 6 months from today.

With the direction aforesaid, the petition stands disposed of.

Consequently, M.(W.)P. No.3360/2005 and I.A. No.7534/2005 also stand disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C. Bhadoo
Judge

Barve

29.9.05 29.9.05 30/6/10 21/9/17 11/5/17